

RECEIVED
CENTRAL FAX CENTER

DEC 06 2005

60130-1985; 03MRA0135

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee Watts, et al.
Serial No.: 10/775,033
Filed: February 9, 2004
Group Art Unit: 3753
Examiner: Fox, John C.
Title: EXHAUST PIPE VALVE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION

Dear Sir:

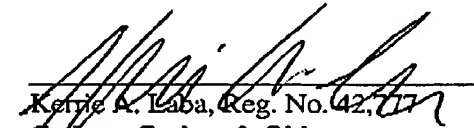
In response to the Office Action of November 15, 2005, applicant elects Figures 4-5. Claims 1-10 and 12-22 read on Figures 4-5. Further, claims 1-10 and 13-22 are generic claims that cover both species. This election is with traverse based on the ground that the species are not patentably distinct.

Figure 3 discloses a configuration where the valve plate is mounted centrically at the valve spindle. Figures 4-5 disclose a configuration where the valve plate is mounted eccentrically at the valve spindle. The subject invention as defined in the claims is directed to a bearing and valve spindle. The bearing and valve spindle can be used with either a centrically or eccentrically mounted valve plate. The orientation of the valve plate relative to the valve spindle does not impact the patentability of the invention as it relates to the bearing and valve spindle.

60130-1985; 03MRA0135

Applicant respectfully requests that the restriction requirement be withdrawn. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

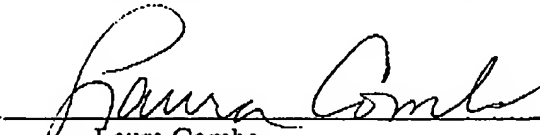
Respectfully submitted,


Kerrie A. Laba, Reg. No. 42,717
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: December 6, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on December 6, 2005.


Laura Combs